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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,277	01/10/2002	Faisal M. Awada	AUS920010865US1	4449

7590 06/14/2005
Mr. Volel Emile
P.O. Box 202170
Austin, TX 78720-2170

EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,277

Applicant(s)

AWADA ET AL.

Examiner

KAMAL B. DIVECHA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 6-8, 11-13 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarui et al. (hereinafter Tarui, Pub. No.: US 2002/0112102 A1).

As per claim 1, Tarui discloses a method of allowing a device to be shared among partitions of a logically partitioned system (see abstract) comprising: the steps of: determining whether a requesting partition has permission to use a device; and automatically reassigning the device to the requesting partition if the requesting partition has permission to use the device (pg. 3 block #57-59, block #53, pg. 5 block #81-83 and pg. 6 block #105-120).

As per claim 2, Tarui discloses the process wherein the device is reassigned to the requesting partition only if the device is currently idle (pg. 5 block #84 and fig. 20 item #7207 and 7208).

As per claim 3, Tarui discloses the process of notifying the requesting partition that the device is not idle (pg. 7 block # 122 and fig. 20 item #7209).

As per claim 16, Tarui discloses a computer system for allowing a device to be shared among partitions of a logically partitioned system comprising: at least one memory device for

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storing the code data (fig. 1 and fig. 8); and at least one processor (fig. 1) for processing the code data to determine whether a requesting partition has permission to use a device and to automatically reassign the device to the requesting partition if the requesting partition has permission to use the device (pg. 3 block #57-59, block #53, pg. 5 block #81-83 and pg. 6 block #105-120).

As per claims 6-8, 11-13 and 17-18, they do not teach or further define over the limitations in claims 1-3 and 16. Therefore, claims 6-8, 11-13 and 17-18 are rejected for the same reasons as set forth in claims 1-3 and 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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2. Claims 4-5, 9-10, 14-15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarui et al. (hereinafter Tarui, Pub. No.: US 2002/0112102 A1) in view of Zalewski et al. (hereinafter Zalewski, U. S. Patent No. 6,542,926 B2).

As per claim 4, Tarui does not explicitly disclose the process wherein after the requesting partition has terminated using the device, it indicates so.

Zalewski, from the same field of endeavor, discloses the process of indicating when the requester is done using the device and when the device is available for use (col. 19 L5-50, col. 21 L30-35 and col. 22 L13-18). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Zalewski as stated above with Tarui in order to indicate that the requester has terminated using the device.

One of ordinary skilled in the art would have been motivated in order to achieve better utilization of resources of the system by making unused resources available for reassignment to the other partitions. It would have also provided notifications of the available resources for reassignment otherwise other requesters would never realize that the resource has arrived and is ready for use (Tarui, col. 21 L30-35).

As per claim 5, Tarui does not explicitly disclose the process wherein upon indication that the requesting device has terminated using the device, the device is reassigned to the partition it was originally assigned. Zalewski discloses the process of de-assigning resources and return it for the reassignment (col. 20 L24-45, col. 21 L30 to col. 22 L24 and col. 7 L42-57). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Zalewski as stated above with Tarui in order

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to reassign the resources or devices to the partition. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 4.

As per claims 9-10, 14-15 and 19-20, they do not teach or further define over the limitations in claims 4-5. Therefore, claims 9-10, 14-15 and 19-20 are rejected for the same reasons as set forth in claims 4-5.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kauffman, U. S. Patent No. 6,633,916 B2.
- b. Kleinsorge et al., U. S. Patent No. 6,226,734 B1.
- c. Suruguchi et al., U. S. Patent No. 6,094,699.
- d. Kleinsorge et al., U. S. Patent No. 6,247,109 B1.
- e. Kauffman et al., U. S. Patent No. 6,332,180 B1.
- f. Noel et al., U. S. Patent No. 6,381,682 B2.
- g. Zalewski et al., U. S. Patent No. 6,647,508 B2.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 10, 2005.


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER